

CUSTOMER NO.: 24498
Serial Number: 09/603,339
Office Action dated: January 28, 2005
Reponse dated: April 20, 2005

PATENT
RCA 88,878

Remarks/Arguments

The Non-Final Office Action mailed January 28, 2005 has been received and carefully considered. New claims 19 and 20 have been added to more clearly define the invention. Accordingly, claims 1-6, 9-17, 19 and 20 are pending in the application.

Claim 2 is amended to delete clearly redundant language and thus correct an obvious clerical error. Entry of the amendment is respectfully requested.

Claims 1-3, 5, 6, 9, 10 and 14-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Winter (U.S. Patent Number 6,678,008, *hereinafter* "Winter") in view of Brase et al. (U.S. Patent Number 6,012,112, *hereinafter* "Brase"). Claim 4 stands rejected under 35 U.S.C. §103(a) over Winter in view of Brase and in further view of Arai et al. (U.S. Patent Number 6,751,401, *hereinafter* Arai). Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) over Winter in view of Brase, and in further view of Yanigahara et al. (U.S. Patent Number 6,211,800, *hereinafter* Yanigahara). Claim 13 stands rejected over Winter in view of Brase and in further view of Suzuki (U.S. Patent Number 6,344,836). Applicants respectfully traverse the rejections.

The present application relates to a system and method for transmitting, decoding and displaying data channel information in a format that permits enhanced graphics functionality. Included, are a method and apparatus for using DVD sub-picture formatted information within an MPEG data stream to provide data channel information to a television receiver.

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In light of the foregoing, claim 1 recites:

"A method for providing graphics display, comprising the steps of: receiving a bitstream including an MPEG compliant program bitstream and a DVD subpicture compliant bitstream...wherein the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream."

The Winter reference relates to "an apparatus for generating a digital video picture ... [that] comprises a main picture and a secondary picture. The secondary picture serves to provide information about the status of the apparatus or else for operational guidance. The data of the picture are supplied digitally. Data for the subpicture are additionally contained in the bit stream for the main picture." Abstract

As previously acknowledged by the Examiner, Winter does not teach or suggest the claimed limitations of "receiving a bit stream including an MPEG compliant program bit stream and a DVD sub-picture compliant bit stream...wherein the DVD sub-picture compliant bit stream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD sub-picture graphics associated with said subpicture compliant bit stream."

The present Office Action proposes to remedy this deficiency by the combination of Winter with Brase under §103(a). Even accepting *arguendo* that this combination is properly made, Applicants respectfully assert that the proposed combination does not teach or suggest every limitation of the subject claim.

CUSTOMER NO.: 24498
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For example, Brase describes:

[V]ideo information retrieved from the DVD disc inserted within the DVD player 10 is displayed upon the video display monitor...during operation of the convergent device in either the computer mode or the tele-video mode... An embodiment of the present invention integrates control interfaces for the control of the DVD player 10 into the control interfaces presented for other functioning of the convergent device 150. (Emphasis added). Column 6, lines 10-21.

Brase also states that:

[A] determination is made...as to whether the user selects the anticipated next-state displayed at the control interface on the video display monitor 176. If so... the DVD player 172 is driven by the DVD driver 172 to the next-state of operation. (Emphasis added). Column 8, lines 53-58.

Accordingly, it is clear that the DVD player is integral to the apparatus of Brase. As such, the proposed combination of Winter and Brase yields a system in which the subject interactive graphical information comes from an integral DVD player as shown in Figures 1 and 2 of Brase.

As such, the proposed combination of Winter and Brase does not teach or suggest the claimed limitation of "...receiving a bit stream including an MPEG compliant program bit stream and a DVD subpicture compliant bit stream...[and providing] an output display signal, wherein the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream." To the contrary, the proposed combination teaches directly away from the claimed invention, suggesting that a local DVD player, rather than a received bit stream including a DVD compliant bit stream is the source of required menu graphics.

CUSTOMER NO.: 24498
Serial Number: 09/603,339
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In addition, there is nothing to suggest that the DVD player data of Brase could in any way be found together with the "bit stream for the main picture," (Abstract) of Winter to form "a bit stream including an MPEG compliant program bit stream and a DVD sub-picture compliant bit stream," as in the present invention. To the contrary, Figure 2 of Brase shows data path 168 as being discrete and separate from the DVD player 10.

Accordingly, even if the proposed combination is proper, its result fails to teach or suggest every limitation of the claimed invention. Therefore, withdrawal of the pending rejection, and allowance of claim 1 is respectfully requested.

Claims 2, 3, 5, 6 and 9 each depend, directly or indirectly, from claim 1 and incorporate every limitation thereof. Accordingly, for at least the reasons given above, the rejections of claims 2, 3, 5, 6 and 9 under 35 U.S.C. §103(a) are overcome and allowance of these claims is also respectfully solicited.

Claim 4, also depends directly from claim 1 and incorporates every limitation thereof. The Arai reference cited against claim 4 does not remedy the deficiency in the combined disclosures of Winter and Brase. Accordingly, allowance of claim 4 is also respectfully requested.

Like claim 1, claim 10 includes the limitations of "receiving a bit stream including an MPEG compliant program bit stream and a DVD subpicture compliant bit stream...wherein the DVD sub-picture compliant bit stream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD sub-picture graphics associated with said subpicture compliant bit stream." As discussed above in relation to claim 10, these limitations are not met by the proposed combination of the Winter and Brase references. Accordingly, allowance of claim 10 is also in order.

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Claims 11-17 ultimately depend from, and thus incorporate the limitations of, claim 10. Neither the Yanigahara reference, cited against claims 11 and 12, nor the Suzuki reference, cited against claim 13, teach or suggest the limitation of "receiving a bit stream including an MPEG compliant program bit stream and a DVD subpicture compliant bit stream...wherein the DVD sub-picture compliant bit stream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD sub-picture graphics associated with said subpicture compliant bit stream." Accordingly, for the reasons given above in relation to claim 10, the rejections of claims 11-17 should also be withdrawn, and the same is respectfully requested.

New claims 19 and 20 include the acts of claim 1, as well as additional acts identifying further novel features of the invention. Accordingly, claims 19 and 20 are believed to be in immediate condition for allowance.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are earnestly solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6440, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned at (609) 734-6440, Thomson Licensing Inc., Princeton, NJ. The Commissioner is hereby also authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 07-0832.

Respectfully submitted,

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April 20, 2005

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